

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claim 1-15 and 23-26 are now present in this application. Claims 1, 8, 10, 12 and 23 are independent. By this Amendment, claims 1, 8, 10, 12 and 23 are amended. No new matter is involved. Support for the language added to claim 23 is found, for example, in the paragraph bridging pages 8 and 9.

Reconsideration of this application, as amended, is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claim 23 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,179,605 to Littleton et al. ("Littleton"). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action and is not being repeated here.

Amended claim 23 positively recites a combination of features including a fixed mold having a passage extending through the mold, in which the passage has an inner wall for injecting a fluid therethrough and an internal space and wherein the same flow accelerating material means is provided on the inner wall of said fixed mold passage.

Littleton does not disclose this claimed combination of features. Littleton discloses a separate layer 39 of protective material that is placed between nozzles 31 and mold 12.

Littleton does not disclose a fixed mold having a passage extending through the mold, the passage having an inner wall for introducing a fluid therethrough, disclosing instead, mere orifices 28 through which plastic is injected from a nozzle. Nor does Littleton disclose the same flow accelerating material means (that is provided on the inner walls of both the fixed mold and the movable mold that form the molding space for accelerating flow of the fluid injected into the injection mold) in the non-existent fixed mold passage.

In fact, it appears that Littleton teaches away from the claimed invention by not disclosing a passage in the mold sections 21.22 12 and, instead, by providing a separate passage in layer 39 between the nozzle injection ports 32 and the mold 12.

Accordingly, Littleton does not anticipate amended claim 23.

Reconsideration and withdrawal of this rejection of claim 23 under 35 U.S.C. § 102(b) as being anticipated by Littleton are respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1-6, 24 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 3,544,518 to Bodkins et al. ("Bodkins") in view of U.S. Patent 6,419,476 to Ouellette. Similarly, claim 8 and claims 12-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bodkins in view of Ouellette. These rejections are respectfully traversed.

Because the rejection is based on 35 U.S.C. § 103, what is in issue in such a rejection is "the invention as a whole, "not just a few features of the claimed invention. Under 35 U.S.C. § 103, " [a] patent may not be obtained . . . if the differences between the subject matter sought to

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." The determination under § 103 is whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. See In re O'Farrell, 853 F.2d 894, 902, 7 USPQ 2d 1673, 1680 (Fed. Cir. 1988). In determining obviousness, the invention must be considered as a whole and the claims must be considered in their entirety. See Medtronic, Inc. v. Cardiac Pacemakers, Inc., 721 F.2d 1563, 1567, 220 USPQ 97, 101 (Fed. Cir. 1983).

In rejecting claims under 35 U.S.C. § 103, it is incumbent on the Examiner to establish a factual basis to support the legal conclusion of obviousness. See, In re Fine, 837 F.2d 1071, 1073, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in Graham v John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one of ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal Inc. v. F-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ 2d 1434, 1438 (Fed. Cir. 1988), cert. denied, 488 U.S. 825 (1988); Ashland Oil, Inc. v Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hospital Systems, Inc. v Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a

prima facie case of obviousness. Note, In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ 2d 1443, 1444 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ 2d 1780, 1783 84 (Fed. Cir. 1992). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be suggested or taught by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1970). All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

A suggestion, teaching, or motivation to combine the prior art references is an "essential evidentiary component of an obviousness holding." C.R. Bard, Inc. v. M3 Sys. Inc., 157 F.3d 1340, 1352, 48 USPQ 2d 1225, 1232 (Fed. Cir. 1998). This showing must be clear and particular, and broad conclusory statements about the teaching of multiple references, standing alone, are not "evidence." See In re Dembiczak, 175 F.3d 994 at 1000, 50 USPQ 2d 1614 at 1617 (Fed. Cir. 1999).

Moreover, it is well settled that the Office must provide objective evidence of the basis used in a prior art rejection. A factual inquiry whether to modify a reference must be based on objective evidence of record, not merely conclusory statements of the Examiner. See In re Lee, 277 F.3d 1338, 1343, 61 USPQ 2d 1430, 1433 (Fed. Cir. 2002).

Furthermore, during patent examination, the PTO bears the initial burden of presenting a *prima facie* case of unpatentability. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ 2d 1443, 1444

(Fed. Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785788 (Fed. Cir. 1984). If the PTO fails to meet this burden, then the Applicants are entitled to the patent. Only when a *prima facie* case is made, the burden shifts to the Applicants to come forward to rebut such a case.

Neither Bodkins nor Ouellette discloses the claimed invention. Bodkins clearly does not disclose a flow accelerating material at all on the passageway through which plastic enters its fixed mold 2'.

In an attempt to remedy this shortcoming of Bodkins, the Office Action turns to Ouellette, which discloses an inlet mold with a passage 130 therethrough, the passage 130 having no flow accelerating material thereon. Instead of providing a flow accelerating material on fixed mold passage 130's inner walls, Ouellette simply provides polymer bars 116 and 118 in the internal space of the mold. In other words, there is no disclosure in Ouellette of coating the internal passages of inlet mold member 104 with a flow accelerating material. Ouellette merely discloses insulating the interior mold space using polymer bars 116 and 118.

In other words, neither Bodkins nor Ouellette discloses the positively recited feature of a fixed mold having a passage extending through the mold, the passage having an inner wall for injecting a fluid therethrough and an internal space and a flow accelerating material means provided on the inner walls of the passage.

Accordingly, no matter how these two references are combined, they will not disclose, suggest, or otherwise render obvious the claimed invention.

Thus, reconsideration and withdrawal of these rejections of claims 1-6, 8, 12-15, 24 and 26 are respectfully requested.

Claims 1-7, 24-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,255,109 to Yotsutsuji et al. ("Yotsutsuji") in view of Ouellette. Similarly, claim 8-9, claims 10-11, and claims 12 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yotsutsuji in view of Ouellette. These rejections are respectfully traversed.

Yotsutsuji admittedly does not disclose a fixed mold having a passage extending through the mold, the passage having inner walls for injecting a fluid therethrough and into an internal space and a flow accelerating material means provided on the inner walls of the passage, as claimed. Yotsutsuji's passage 47-49, for example, is disclosed as having no coating whatsoever, let alone a flow accelerating coating.

In an attempt to remedy this deficiency, the Office Action turns to Ouellette. However, as noted above, Ouellette, which discloses an inlet mold with a passage 130 therethrough, the passage 130 having no flow accelerating material thereon. Instead of providing a flow accelerating material on fixed mold passage 130's inner walls, Ouellette simply provides polymer bars 116 and 118 in the internal space of the mold. In other words, there is no disclosure in Ouellette of coating the internal passages of inlet mold member 104 with a flow accelerating material. Ouellette merely discloses insulating the interior mold space using polymer bars 116 and 118.

In other words, neither Yotsutsuji nor Ouellette discloses the positively recited feature of a fixed mold having a passage extending through the mold, the passage having an inner wall for injecting a fluid therethrough and an internal space and a flow accelerating material means provided on the inner walls of the passage.

Thus, no matter how these two references are combined, they will not disclose, suggest, or otherwise render obvious the claimed invention.

Accordingly, reconsideration and withdrawal of this rejection of claims 1-12, 15 and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over Yotsutsuji in view of Ouellette are respectfully requested.

Claims 1-3, 5, 24 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,201,742 to Hendry in view of Ouellette. Similarly, claims 12-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,201,742 to Hendry in view of Ouellette. These rejections are respectively traversed.

Hendry admittedly does not disclose using the same flow accelerating means that are provided on the inner space of the mold on the walls of the mold passage 22.

In an attempt to remedy this deficiency, the Office Action turns to Ouellette. However, as noted above, Ouellette, which discloses an inlet mold with a passage 130 therethrough, the passage 130 having no flow accelerating material thereon. Instead of providing a flow accelerating material on fixed mold passage 130's inner walls, Ouellette simply provides polymer bars 116 and 118 in the internal space of the mold. In other words, there is no disclosure in Ouellette of coating the internal passages of inlet mold member 104 with a flow accelerating material. Ouellette merely discloses insulating the interior mold space using polymer bars 116 and 118.

In other words, neither Hendry nor Ouellette discloses the positively recited feature of a fixed mold having a passage extending through the mold, the passage having an inner wall for injecting a fluid therethrough and an internal space and a flow accelerating material means provided on the inner walls of the passage.

Thus, no matter how these two references are combined, they will not disclose, suggest, or otherwise render obvious the claimed invention.

Accordingly, reconsideration and withdrawal of this rejection of claims 1-3, 5, 12-15, 24 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Hendry in view of Ouellette are respectfully requested.

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,362,226 to Kataoka, et al. in view of Ouellette. Similarly, claim 8 and claims 12 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bodkins et al. in view of Ouellette. These rejections are respectfully traversed.

Kataoka admittedly does not disclose using a flow accelerating means provided on the inner space of a mold passage. Instead, the coating 4 is only applied inside the mold cavity on one wall.

In an attempt to remedy this deficiency, the Office Action turns to Ouellette. However, as noted above, Ouellette, which discloses an inlet mold with a passage 130 therethrough, the passage 130 having no flow accelerating material thereon. Instead of providing a flow accelerating material on fixed mold passage 130's inner walls, Ouellette simply provides

polymer bars 116 and 118 in the internal space of the mold. In other words, there is no disclosure in Ouellette of coating the internal passages of inlet mold member 104 with a flow accelerating material. Ouellette merely discloses insulating the interior mold space using polymer bars 116 and 118.

In other words, neither Kataoka nor Ouellette discloses the positively recited feature of a fixed mold having a passage extending through the mold, the passage having an inner wall for injecting a fluid therethrough and an internal space and a flow accelerating material means provided on the inner walls of the passage.

Thus, no matter how these two references are combined, they will not disclose, suggest, or otherwise render obvious the claimed invention.

Accordingly, reconsideration and withdrawal of this rejection of claims 1-3, 8, 12 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Kataoka in view of Ouellette are respectfully requested.

Failure to comply with MPEP §§ 706.02(I) and 904.03

MPEP §§ 706.02(I) and 904.03 clearly require the Examiner to select and apply only the best reference in rejecting the pending claims. The outstanding Office Action does not do this, however. Instead, it cites and applies, individually, four different references, all under the same statute, i.e., 37 C.F.R. §§ 102(b)/103(a), to claims 1-3.

This is improper and for this reason alone, at least three of the outstanding rejections of claims 1-3 based on 35 U.S.C. §§ 102(b)/103(a) should be withdrawn.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, all pending claims should be allowed.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.

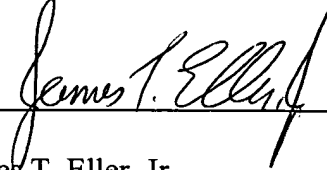
Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully Submitted,

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